



Rep. Robert Rita

Filed: 5/31/2005

09400SB0572ham002

LRB094 10940 AMC 47456 a

1 AMENDMENT TO SENATE BILL 572

2 AMENDMENT NO. _____. Amend Senate Bill 572, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Retailers' Occupation Tax Act is amended by
6 adding Section 1p as follows:

7 (35 ILCS 120/1p new)

8 Sec. 1p. Building materials exemption; intermodal terminal
9 facility areas. Each retailer that makes a qualified sale of
10 building materials to be incorporated into real estate in a
11 redevelopment project area within an intermodal terminal
12 facility area in accordance with Section 11-74.4-3.1 of the
13 Illinois Municipal Code by remodeling, rehabilitating, or new
14 construction may deduct receipts from those sales when
15 calculating the tax imposed by this Act. For purposes of this
16 Section, "qualified sale" means a sale of building materials
17 that will be incorporated into real estate as part of an
18 industrial or commercial project for which a Certificate of
19 Eligibility for Sales Tax Exemption has been issued by the
20 corporate authorities of the municipality in which the building
21 project is located. To document the exemption allowed under
22 this Section, the retailer must obtain from the purchaser a
23 copy of the Certificate of Eligibility for Sales Tax Exemption
24 issued by the corporate authorities of the municipality in

1 which the real estate into which the building materials will be
2 incorporated is located. The Certificate of Eligibility for
3 Sales Tax Exemption must contain all of the following:

4 (1) A statement that the commercial or industrial
5 project identified in the Certificate meets all the
6 requirements of the jurisdiction in which the project is
7 located.

8 (2) The location or address of the building project.

9 (3) The signature of the chief executive officer of the
10 municipality in which the building project is located, or
11 the chief executive officer's delegate.

12 In addition, the retailer must obtain a certificate from
13 the purchaser that contains all of the following:

14 (1) A statement that the building materials are being
15 purchased for incorporation into real estate located in an
16 intermodal terminal facility area included in a
17 redevelopment project area in accordance with Section
18 11-74.4-3.1 of the Illinois Municipal Code.

19 (2) The location or address of the real estate into
20 which the building materials will be incorporated.

21 (3) The name of the intermodal terminal facility area
22 in which that real estate is located.

23 (4) A description of the building materials being
24 purchased.

25 (5) The purchaser's signature and date of purchase.

26 The provisions of this Section are exempt from Section
27 2-70.

28 Section 10. The Illinois Municipal Code is amended by
29 adding Section 11-74.4-3.1 as follows:

30 (65 ILCS 5/11-74.4-3.1 new)

31 Sec. 11-74.4-3.1. Redevelopment project area within an
32 intermodal terminal facility area.

1 (a) Notwithstanding any other provision of law to the
2 contrary, if a municipality designates an area within the
3 territorial limits of the municipality as an intermodal
4 terminal facility area, then that municipality may establish a
5 redevelopment project area within the intermodal terminal
6 facility area for the purpose of developing new intermodal
7 terminal facilities, rehabilitating obsolete intermodal
8 terminal facilities, or both. If there is no existing
9 intermodal terminal facility within the redevelopment project
10 area, then the municipality must establish a new intermodal
11 terminal facility within the redevelopment project area. If
12 there is an obsolete intermodal terminal facility within the
13 redevelopment project area, then the municipality may
14 establish a new intermodal terminal facility, rehabilitate the
15 existing intermodal terminal facility for use as an intermodal
16 terminal facility or for any other commercial purpose, or both.

17 (b) For purposes of this Division, an intermodal terminal
18 facility area is deemed to be a blighted area and no proof of
19 blight need be shown in establishing a redevelopment project
20 area in accordance with this Section.

21 (c) As used in this Section:

22 "Intermodal terminal facility area" means an area that: (i)
23 does not include any existing intermodal terminal facility or
24 includes an obsolete intermodal terminal facility; (ii)
25 comprises a minimum of 150 acres and not more than 2 square
26 miles in total area, exclusive of lakes and waterways; (iii)
27 has at least one Class 1 railroad right-of-way located within
28 it or within one quarter mile of it; and (iv) has no boundary
29 limit further than 3 miles from the right-of-way.

30 "Intermodal terminal facility" means land, improvements to
31 land, equipment, and appliances necessary for the receipt and
32 transfer of goods between one mode of transportation and
33 another, at least one of which must be transportation by
34 rail."